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August 19, 2022

BY EFC

Hon. Nathaniel M. Gorton
United States District Court, District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2300
Boston, Massachusetts 02210

RE: STAG Williamsport, LLC v. BHN Associates, LLC, 1:21-cv-11958-NMG

Dear Judge Gorton:

We represent Plaintiff STAG Williamsport, LLC ("STAG"), in the above-referenced matter. We are writing in response to Defendant BHN Associates, LLC's ("BHN") request for an additional 30-day extension of the time to file its Answer, which we oppose.

STAG filed its Complaint, in Massachusetts state court, on September 30, 2022. BHN removed the case to this Court and filed a Motion to Dismiss, which this Court denied on July 7, 2022. BHN subsequently requested that STAG assent to a two-week extension of the time for BHN to respond to file its Answer. Out of concern that the case had already been unduly delayed, STAG said that it would only agree to a one-week extension. BHN subsequently filed a motion requesting a 30-day extension, which this Court granted.

The parties have agreed, in principle, to attend a mediation. However, STAG has consistently taken the positions that: (1) its agreement to mediate should not be used to prevent this case from progressing, and (2) mediation would be more productive if STAG first has an opportunity to review BHN's answer. While STAG has stated it would be open to attending a mediation in September or October, a mediator available in that period has not yet been identified, and no proposed dates for a mediation have been discussed.

BHN did not notify STAG it would be requesting an additional 30-day extension. STAG also notes its concern that BHN would, in a public filing to the Court, directly quote from email communications in which the parties, on their own initiative, are discussing dispute resolution, and that BHN would do so without informing the Court of STAG's ongoing concern that this case not be further delayed.

STAG respectfully requests that this Court deny BHN's requested extension.



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Respectfully submitted,

/s/ Benjamin M. Greene

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CERTIFICATE OF SERVICE

I, Benjamin M. Greene, hereby certify that on this 19th day of August 2022, I caused a copy of the within document to be filed and served on all counsel of record via the electronic filing system for the U.S. District Court, District of Massachusetts.

/s/ Benjamin M. Greene

Benjamin M. Greene